

**CALENDAR ITEM
C07**

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10/06/04
W 26020
WP 4376.9
L. Burks

**ASSIGNMENT OF GENERAL LEASE - PUBLIC AGENCY PERMIT
NO. PRC 4376.9 AND ISSUANCE OF A NEW
GENERAL LEASE - PUBLIC AGENCY USE**

ASSIGNOR:

United States of America
Department of the Navy, EFA West

ASSIGNEE:

Port of Stockton

AREA, LAND TYPE, AND LOCATION:

0.34 acres, more or less, of tide and submerged lands in Burns Cutoff at Daggett Road, Rough and Ready Island, in the city of Stockton, San Joaquin County.

AUTHORIZED USE:

Proposed construction of a new bridge.

LEASE TERM:

25 years, beginning October 6, 2004.

CONSIDERATION:

The public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

OTHER PERTINENT INFORMATION:

1. Applicant has a right to use the uplands adjoining the lease premises.
2. On January 1, 1970, the Commission authorized issuance of General Lease - Public Agency Permit No. PRC 4376.9 to the United States of America, Department of the Navy, for the existing bridge across Burns Cutoff at Daggett Road, Rough and Ready Island. The term of the lease

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was issued for 49 years. This lease will expire on December 31, 2018. On July 16, 2002, the bridge was transferred from the Department of the Navy to the Port of Stockton ("Port") by Quitclaim Deed, Document No. 2003-224095, dated September 29, 2003. The Port is now applying for the assignment of PRC 4376.9.

3. Relative to the Assignment:

Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060(c)(3) and 15378.

4. The Port has redevelopment plans to revitalize the old Navy marine terminals and warehousing facilities on Rough and Ready Island. The Port also has plans to develop approximately 500 acres for commercial and light industrial park on Rough and Ready Island. The Port anticipates creating over 10,000 full-time jobs within a ten to twenty year timeframe. The Port's first major development effort is to establish two improved access points and improve arterial roadways on Rough and Ready Island. Presently, the old Navy Bridge is the only access to the island, however it is considered functionally obsolete and structurally insufficient for future use. A secondary entrance to the island, the old Daggett Road swing Bridge was removed from service in the 1970s. The Bridge has been in the open position (parallel to the waterway) since 1974. The Port intends to replace the old Daggett Road Bridge, improving truck access from the marine terminals and proposed industrial park areas to Interstate 5 via State Route 4. The new bridge will be constructed adjacent to, and west of, the old Daggett Road Bridge. As required by the United States Coast Guard, to eliminate a potential navigational hazard, the old bridge will be removed within a reasonable time after the construction of the new bridge. The old bridge will remain under lease No. PRC 4376.9 until the new bridge is constructed. Removal of the old bridge will be subject to environmental review.

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5. The old Daggett Road swing Bridge, constructed in the 1920s was a narrow two-lane bridge. The new three-span bridge will be constructed to modern trucking standards and will meet the Caltrans bridge loading requirements. The bridge will provide four lanes of traffic, one 6 foot sidewalk on the eastern side only, and a center raised curb median 14 feet wide. The new bridge will be located 200 feet west of the old bridge.
6. A Section 401 Water Quality Certification has been issued by the California Regional Water Quality Control Board for this project. The RWQCB has indicated that construction activities may impact surface waters with increased turbidity and settleable matter. The Port will implement Best Management Practices (BMPs) to control sedimentation and erosion. All temporary affected areas will be restored to pre-construction contours and conditions upon completion of construction activities. The Port will conduct turbidity and settleable matter testing during in-water work, stopping work if Basin Plan criteria are exceeded or are observed.
7. Relative to the Lease Issuance:
An EIR (SCH No. 2002032048) was prepared and certified for this project by the Port of Stockton. The California State Lands Commission staff has reviewed such document and Mitigation Monitoring Program adopted by the lead agency.
8. Findings made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, sections 15091 and 15096) are on file in the Sacramento Office of the California State Lands Commission.
9. A Statement of Overriding Considerations made in conformance with the State CEQA Guidelines (Title 14, California Code of Regulations, section 15093) is on file in the Sacramento Office of the California State Lands Commission.

The Significant Impacts of this project for which a Statement of Overriding Considerations was adopted by the Port of Stockton include:

- a. Conversion of 272 acres of prime farmland;
- b. Increased number of vehicle trips;
- c. Increased traffic, contributing to unacceptable levels of service at intersections within the Project Area and at freeway facilities;

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- d. Increased operational emissions of criteria air pollutants;
- e. Increased ambient noise levels affect the noise environment of nearby sensitive land uses;
- f. Increased traffic on roads leading to the Project Area that would affect noise levels of sensitive receptors along some of the heavily traveled roads;
- g. Increased levels of low-frequency noise that would likely produce vibrations in lightweight structures;
- h. Future development activities resulting from the Plan may result in the alteration of, or disturbance to, sensitive natural communities within the Sacramento-San Joaquin Delta associated with an increased release of non-native aquatic organisms from ships;
- i. The demolition of existing structures on Rough and Ready Island and development of new facilities within the potentially eligible historic district will substantially affect a historic resources; and,
- j. Increased sources of light and glare that would adversely affect day or nighttime views in the area.

Of these significant, unavoidable impacts described, item (f) would be the only impact that would occur within the Commission's jurisdiction.

- 10. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. However, the Commission has declared that all state school lands and submerged lands are "significant" by nature of their public ownership (as opposed to "environmentally significant"). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code sections 6370, et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by Title 2, California Code of Regulations, section 2954 is not applicable.

APPROVALS OBTAINED:

United States Coast Guard, California State Reclamation Board, Reclamation District 524, California Department of Fish and Game, California Regional Water Quality Control Board.

EXHIBITS:

- A. Site Plan and Location Map
- B. Notice of Determination

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PERMIT STREAMLINING ACT DEADLINE:

January 23, 2005

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

1. RELATIVE TO ASSIGNMENT:
FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.
2. RELATIVE TO THE LEASE ISSUANCE:
FIND THAT AN EIR WAS PREPARED AND CERTIFIED FOR THIS PROJECT BY PORT OF STOCKTON AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
3. ADOPT THE FINDINGS MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15091 AND 15096(h), ON FILE IN THE SACRAMENTO OFFICE OF THE CALIFORNIA STATE LANDS COMMISSION.
4. ADOPT THE MITIGATION MONITORING PROGRAM, ON FILE IN THE SACRAMENTO OFFICE OF THE CALIFORNIA STATE LANDS COMMISSION.
5. ADOPT THE STATEMENT OF OVERRIDING CONSIDERATIONS MADE IN CONFORMANCE WITH TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15093, ON FILE IN THE SACRAMENTO OFFICE OF THE CALIFORNIA STATE LANDS COMMISSION.

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

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AUTHORIZATION:

1. AUTHORIZE ASSIGNMENT OF GENERAL LEASE – PUBLIC AGENCY PERMIT NO. PRC 4376.9, FROM THE UNITED STATES OF AMERICA, DEPARTMENT OF THE NAVY, TO THE PORT OF STOCKTON; EFFECTIVE OCTOBER 6, 2004.
2. AUTHORIZE ISSUANCE TO THE PORT OF STOCKTON OF A NEW GENERAL LEASE – PUBLIC AGENCY USE, BEGINNING OCTOBER 6, 2004, FOR A TERM OF 25 YEARS, FOR CONSTRUCTION OF A NEW BRIDGE ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENT IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST.